



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to: 43580, 43627 Issuance Date: February 26, 2004
Public Notice No. 59185, 43586
Stream: Kanawha River **Expiration Date:** March 27, 2004
Address comments to: US Army Corps of Engineers, Huntington District
602 Eighth Street
ATTN: CELRHE
Huntington, West Virginia 25701-2070

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act:

APPLICANT: Mr. J.L. Blatt
Dow Chemical Company/Union Carbide Corporation
PO Box 8004
437 MacCorkle Ave SW
South Charleston, WV 25303

LOCATION: The project is located along the right and left descending banks of the Kanawha River between mile points 55.4 and 54.9, near South Charleston, Kanawha County, West Virginia. The project area includes the Numbers 1, 2, 3 and 4 Docks. Dock Number 4 is located along the left descending bank of the Kanawha River (Blaine Island), while Dock Numbers 1, 2 and 3 are located on the right descending bank of the river. The Kanawha River is a Section 10 stream.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to perform periodic maintenance dredging at its existing barge fleeting facility (referred to as the North Charleston Distribution Center). Initially, the applicant proposes to dredge approximately 2,250 cubic yards (yd^3) of material around the No. 1 Dock; 10 yd^3 around the No. 2 Dock; 500 yd^3 around the No. 3 Dock; and, 1,544 yd^3 around the No. 4 Dock. The applicant received a Regional Permit (coordinated under Public Notice No. 200200348 "Regional Permit for Maintenance Dredging at Docks") on January 16, 2004 to conduct dredging of 600 yd^3 of material around the No. 2 Dock and 400 yd^3 of material around the No. 1 Dock. Dredged material from the currently proposed project (to be completed in 2004) would be deposited in the following manner: material from around the No. 1, No. 2 and No. 3 Docks would be deposited either on the applicant's Blaine Island facility or the South Charleston Technical Center; material dredged from around the No. 4 Dock would be deposited in a landfill in Hurricane, Putnam County, West Virginia owned by Disposal Services, Inc. The applicant proposes to conduct maintenance dredging activities every three years for the life of the permit. If permitted, the proposed dredging would be approved for a period of ten (10) years. The purpose of the activity is to provide adequate water depths to maintain the navigational capacity around the docks for barge maneuvering and mooring.

The applicant has indicated no dredged material would be placed below the ordinary high water mark of any jurisdictional waters of the United States. No dredged material will be placed in wetland areas and the material will be stabilized sufficiently where it will not re-enter the stream or any other waters of the United States. According to the applicant, dredged material would be evaluated for appropriate disposal during future maintenance dredging activities. The Kanawha River at the location of the proposed project has been actively dredged in the past to maintain adequate water depths for fleeting of barges around the existing docks. The No. 1, No. 2 and No. 3 Docks were constructed in the 1940's, with the No. 4 dock being constructed in the early 1960's. At various times in the past, the areas around the docks have been dredged for navigation purposes.

The applicant proposes to use a hopper barge with a mounted crawler crane with a 2 yd³ dredging bucket to conduct the proposed dredging activities. The applicant also proposes to conduct work Monday through Friday from 7:00 am to 5:00 pm Monday through Friday. During off hours, the barge with the mounted crane would be moored either in the Dow back channel or at Port Amherst. The boat pulling the barge would also be moored at Port Amherst during off hours. Finally, the applicant proposes to conduct all dredging activities outside of the fish spawning season of April 1 to June 30.

During a recent review, the West Virginia Department of Natural Resources was contacted to evaluate the area around the No. 1 and No. 2 docks for the existence of freshwater mussels. A review of the existing records found no documented freshwater mussels within an approximate 5 mile area upstream and downstream from the proposed project area.

Plans for the proposed project are attached to this notice. The first figure indicates the project location relative to Charleston, West Virginia. The second and third figures show specific locations of the proposed dredging activity, with the back channel referred to above. The fourth figure indicates the location of Port Amherst. The final two figures indicate the locations of the proposed disposal sites at the applicant's facilities.

The National Register of Historic Places has been consulted and it has been determined that there are no properties currently listed on the register that are in the area affected by the project. A copy of this Public Notice will be sent to the West Virginia State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of a project area should be based upon collected data.

The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area that would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest that may be adversely affected and the manner in which the interest may be adversely affected by the activity.


Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U. S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 43580, 43627, 59185, 43586
502 Eighth Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please contact James B. Spence at (304) 399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)

Project Location

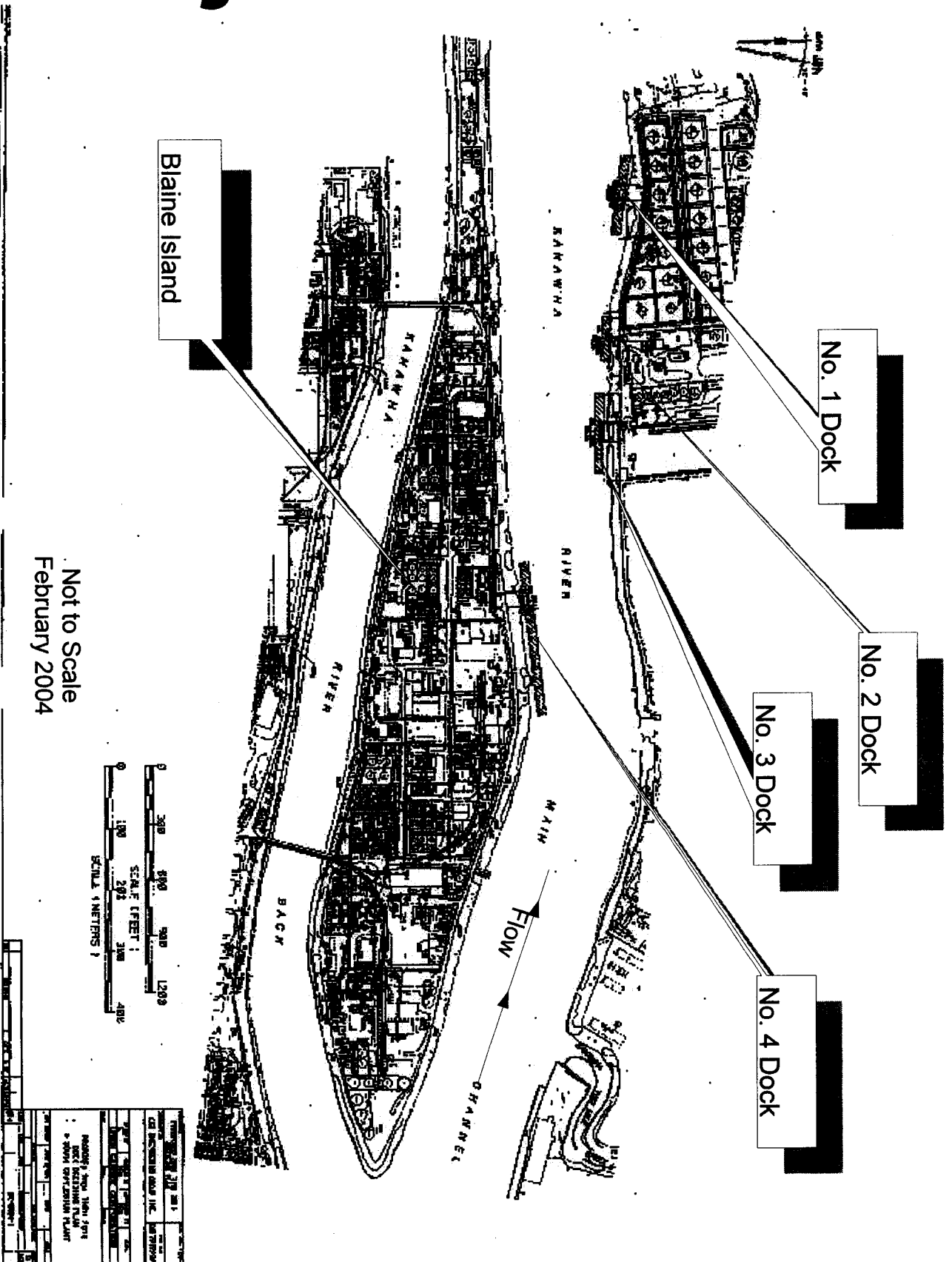
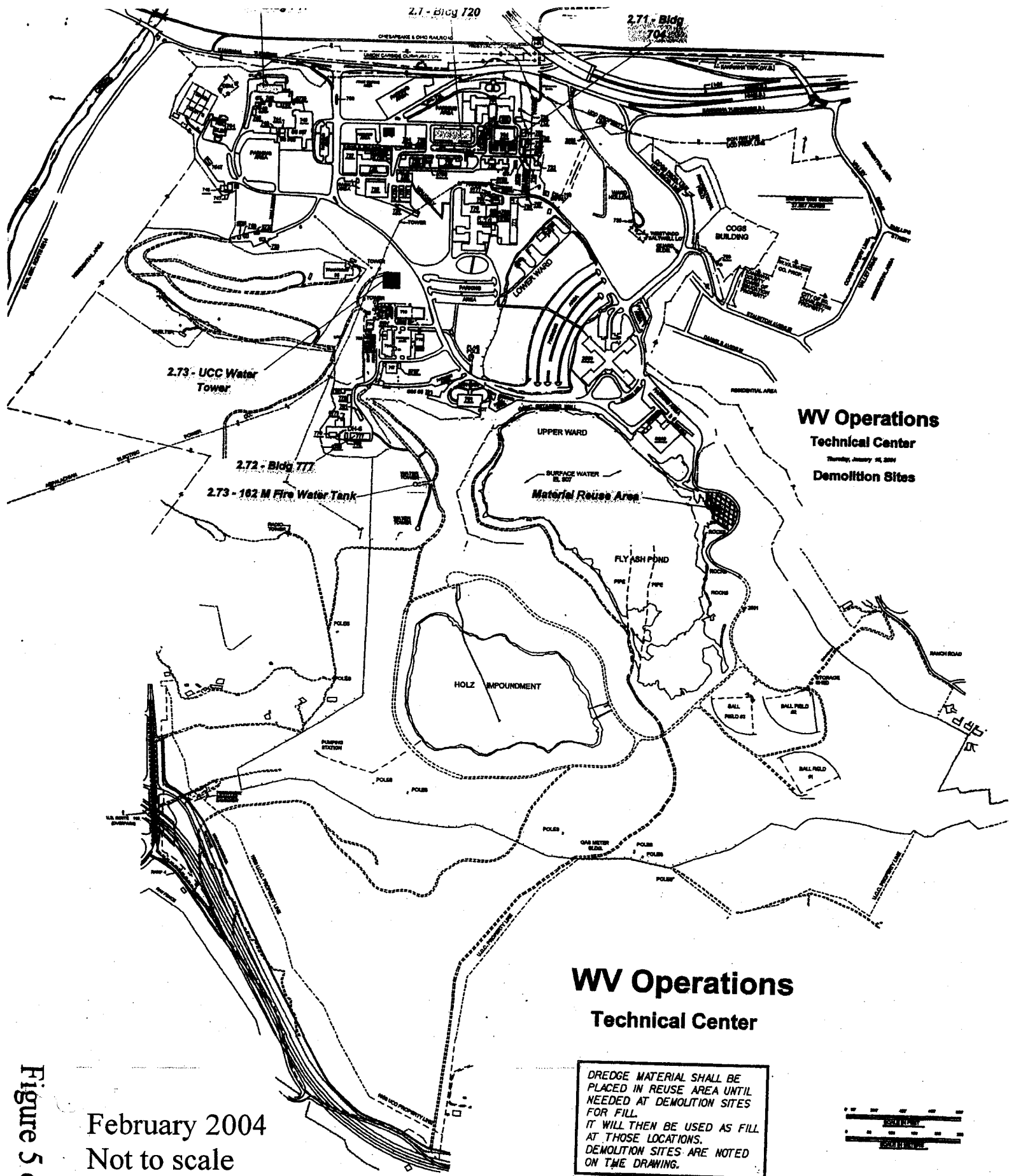
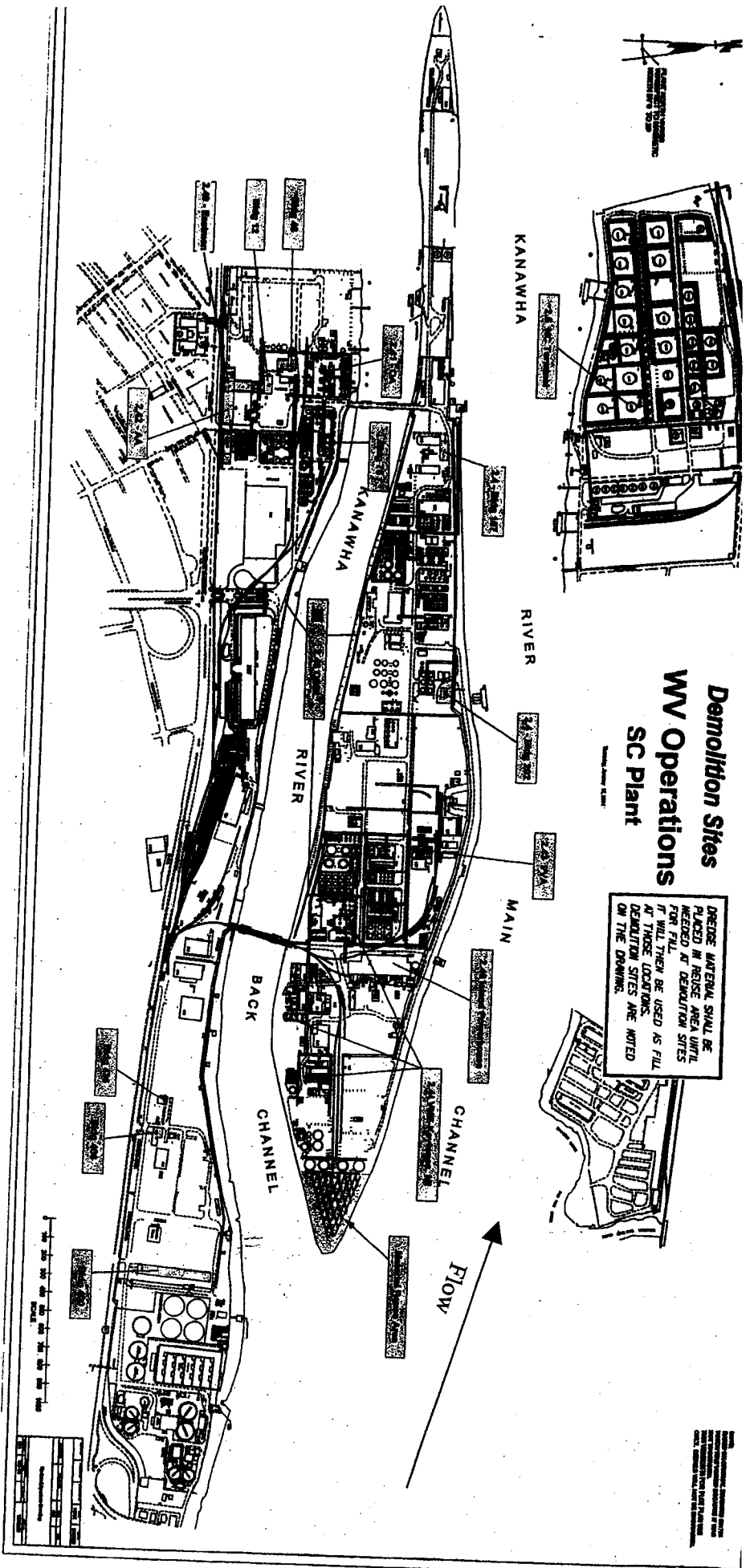


Figure 2 of 6



Figure 4 of 10





February 2004
Not to scale

Figure 6 of 6